

нестандартна зовнішність, його схильність до епатажності та ін. Сприйняття публічної особистості як харизматичної, як правило, відбувається в активному режимі, коли реципієнт, який відчуває глибоку довіру та емоційну єдність із нею, ніби допомагає переконати себе, особливо якщо він уявляє собі, що все відбувається в його інтересах. Таким чином, аудиторія притуляє до своїх публічних лідерів свої уподобання, називаючи ці уподобання «харизмою».

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INTERCULTURAL ISSUES IN LEGAL AND COMMERCIAL PRACTICE

Today's globalization requires professionals to deal with their counter-parts in countries with different economic, cultural, legal, and political environments. When negotiators are from diverse cultures, they often rely on quite different assumptions about social interactions, economic interests, and political realities. Consequently, ability to communicate successfully with colleagues from other cultures is necessary for those who negotiate globally: managers, lawyers, government officials, and diplomats.

Because of cultural differences concerning values and norms, peculiarities of the thought processes, business practices, attitudes to contracts, etiquette rules, and protocol, etc. followed in different nations, the potential for misunderstanding and disagreement is great. «Intercultural conflict can occur even when the participants do not intentionally provoke it... When an individual from one nation uses his or her own cultural frames in intercultural settings, certain hidden assumptions can cause trouble.» (Giubson, R. Intercultural business communication.— Oxford University press. — 2010, p.23.)

Intercultural miscommunication takes place when the person from the second culture does not receive the sender's intended message. The greater the differences between the sender's and the receiver's cultures, the greater the chance for intercultural miscommunication.

For example: An American airplane manufacturer and a Japanese airline company were negotiating the price of some airplanes. The American negotiating team suggested a price. In response, the Japanese were quiet. The American team then lowered the price. The Japanese team continued to keep silent. In the end, the Japanese team came away from the negotiation with a price lower than they ever expected. The Americans were disappointed because they sold the planes at a very low price.

The reason for misunderstanding in this critical incident is diverse attitude to silence in American culture which interprets it as a sign of rejection and Japanese one which refers no negative meaning to a silence span.

The ability to appreciate cultural differences is essential to successful international commerce, and to the provision of legal services that support it. For example, in the **United States**, profit is seen as a main goal. For the **Japanese**, the focus may not be on the profit alone, but on human efficiency; the group is superior to the individual. In **France**, there may be more of an emphasis on moderating one's own freedom of action in order to avoid harming the interests of others. This is not to say that a French or Japanese person does not seek to make profit. It simply means that they may not necessarily see true return on investment as measurable solely by bottom-line financial gain, but rather as a combination of profit, long-term market position, and the welfare of all stakeholders in the venture, including the workforce, and even the local community. (Mitchell, Ch. A short course in international business culture. – World Trade Books. – 2000, p.48.)

As commerce is shaped by culture, so is law. Legal systems that have developed organically over time fundamentally reflect the belief system that spawned and upholds them. Indeed, «the rule of law is the very bedrock of our civilization.» It is not surprising, therefore, that cultural diversity is, more pronounced in law than in commerce.

For example: the Anglo-American lawyer tends to evaluate the importance of code provisions, of decisions of higher courts and underestimate treatises or commentaries. The continental lawyer in contrast will usually find himself at a loss among the innumerable precedents which are binding and will vaguely look for precise concepts among the legal synonyms, loosely phrased decisions and unsystematic text books.

However, the conceptual divide between established European civil and common law systems is far narrower than that between the traditional systems of many major trading nations. Both legal paradigms are primarily the product of Christian Western European peoples. For all the differences between them they have far more in common than regulatory mechanisms developed in other parts of the world. Other distinct legal traditions include Sharia law, Hindu law and various forms of cultural «law,» such as the «guanxi» system of relationships in China, or in Japan.

One of the most frequently used laws within international transactions and resolving of disputes is Contract Law. Where there is trade, some mechanism will have developed to ensure certainty in transactions and disputes resolution. However, this may not be legalistic. Cultural rules may be unwritten or may operate by changing the meanings of written law in ways that reflect the traditional values of the culture. Sometimes, the mechanism operates in the absence of enforced law, or outside of its structures. Dispute resolution may be based on the application of moral codes or interpretations of religious teachings. In such circumstances, transactional undertakings or litigation conducted on the basis of written law alone are unlikely to produce the desired outcome.

The profound impact of such cultural differences is illustrated by considering the differences in the concept of operation of contract between the closely-related Western European civil and common law traditions. Under common law, a contract is not binding unless consideration of at least nominal value is exchanged. Consideration is «an inducement given to enter into a contract that is sufficient to render the promise enforceable in the courts.» In civil law, the critical element is cause, which does not necessarily require any flow of consideration. Thus, gratuitous promises may form the basis of a binding arrangement, and, as a result, contracts in favor of a third party can be recognized and enforced despite no consideration having been tendered for the benefit. Differing attitudes toward contracts can cause even more confusion in other legal systems. For instance, the custom of 'naniwabushi' allows the Japanese to request a change in a contract if the terms become onerous or unfair, which is not acceptable in Western cultures.

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ENGLISH NATIONAL CHARACTER

The English are often seen by other nations as reserved people (they are considered not to be talkative and not inclined to demonstrate their feelings); they are courageous and do not lose their head in a difficult situation. This quality is reflected in an expression: they keep a stiff upper lip, which means that they do not make a tragic face, do not moan or groan. The Brits are famous for their understatement. They are not inclined to show their merits or predicaments of life they experience. Personal problems are either ignored in a conversation or mentioned in a humorous way.

A typical Brit possesses such features as the spirit of independence, will power, and self-control. Independence is the main trait of character and forming this trait is the aim of family and school.

Many foreigners who have heard a great deal about the tolerance of the English interpret it erroneously as the ability of one person to understand another and thus to justify his actions. In fact, what the English mean by tolerance is noninterference in the private life of other people, presuming that everyone should also respect the private life of others.

The feeling of personal independence is an important factor of human relations. Personal inclinations and even personal oddity do not meet opposition from others. Noninterference in each other's private life is the cornerstone of English ethics.

This is probably why mail plays a much more important role in the life of a Brit than in the life of other nations. A telephone call may interrupt a conversation, having tea, something one is engaged in. Besides, it requires an